

REMARKS

The Office Action dated May 12, 2004, has been received and reviewed.

Claims 1-21 are currently pending and under consideration in the above-referenced application, each standing rejected. The Office has also objected to each of claims 1-21.

Reconsideration of the above-referenced application is respectfully requested.

Supplemental Information Disclosure Statement

Please note that a Supplemental Information Disclosure Statement was filed in the above-referenced application on May 17, 2004, but that the undersigned attorney has not yet received any indication that the references cited in the Supplemental Information Disclosure Statement have been considered in the above-referenced application. It is respectfully requested that the references cited in the Supplemental Information Disclosure Statement of May 17, 2004, be considered and made of record in the above-referenced application and that an initialed copy of the Form PTO/SB/08A that accompanied that Supplemental Information Disclosure Statement be returned to the undersigned attorney as evidence of such consideration.

Preliminary Amendment

Also, please note that a Preliminary Amendment was filed in the above-referenced application on March 4, 2004, but that the undersigned attorney has not yet received any acknowledgement that the Preliminary Amendment has been entered into the Office file for the above-referenced application. If, for some reason, the Preliminary Amendment has not yet been entered into the Office file, the undersigned attorney would be happy to provide the Office with a true copy thereof.

Claim Objections Under 37 C.F.R. § 1.75

Claims 1-21 have been objected to under 37 C.F.R. § 1.75 for being substantial duplicates of claims 62-82 of U.S. Application Serial No. 09/912,982 (hereinafter "the '982 Application").

Claims 62-82 of the '982 Application were withdrawn from consideration in that application, which prompted the filing of the above-referenced application as a divisional of

the '982 Application. Each of claims 62-82 of the '982 Application was canceled from that application without prejudice or disclaimer in an Amendment dated July 2, 2004. A courtesy copy of that Amendment to the '982 Application is enclosed.

Withdrawal of the 37 C.F.R. § 1.75 objection to claims 1-21 is, therefore, respectfully requested.

Double Patenting Rejection Under 35 U.S.C. § 101

Claims 1-21 stand rejected under 35 U.S.C. § 101 for purportedly reciting the same invention as that to which claims 62-82 of the '982 Application are drawn.

Claims 62-82 of the '982 Application were withdrawn from consideration in that application, which prompted the filing of the above-referenced application as a divisional of the '982 Application. Each of claims 62-82 of the '982 Application was canceled from that application, without prejudice or disclaimer, in the aforementioned Amendment dated July 2, 2004.

Withdrawal of the 35 U.S.C. § 101 double patenting rejections of claims 1-21 is, accordingly, respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 6, 12, and 18-21 stand rejected under 35 U.S.C. § 103(a) for being directed to subject matter which is assertedly unpatentable over the subject matter taught in U.S. Patent 5,607,341 to Leach (hereinafter "Leach").

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

be found in the prior art, and not based on applicant's disclosure.
In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that a *prima facie* case of obviousness has not been established against any of claims 1, 6, 12, or 18-21.

In this regard, it is respectfully submitted that Leach does not teach or suggest each and every element of independent claim 1, from which each of claims 6, 12, and 18-21 depends, either directly or indirectly.

Specifically, the teachings of Leach are focused on apparatus that include independently movable polishing "blocks." The independent movability of the polishing blocks facilitates good "global" planarization of a wafer, while the material from which the eroding surface of each polishing block is formed is configured to accomplish good local planarization. The teachings of Leach are limited to apparatus that include independently movable polishing blocks for polishing the active surface of a wafer.

Independent claim 1 is directed, by way of contrast, to a system for polishing that includes, among other things, a pressurization component with independently movable pressurization structures that are configured to be biased "against a backside of [a] semiconductor device structure," not against the active surface of the semiconductor device structure.

As Leach does not teach or suggest that the polishing blocks of the apparatus taught therein are configured to be biased against the backside of a wafer or any other semiconductor device structure, it is respectfully submitted that Leach does not teach or suggest each and every element of independent claim 1. Thus, the teachings of Leach do not support a *prima facie* case of obviousness against the subject matter to which independent claim 1 is directed.

It is also respectfully submitted that one of ordinary skill in the art would have no reason to expect the modification of teachings from Leach, as asserted in the outstanding Office Action, to be successful.

As noted at page 2 of the outstanding Office Action, the teachings of Leach are limited to “using one magnet to actuate the plurality of independently movable [polishing blocks], via a magnetic fluid, rather than a plurality of actuators,” as required by independent claim 1. Notably, each of the plurality of actuators facilitates biasing of a pressurization structure of independent claim 1 against the back side of a semiconductor device structure “with a *selected* amount of force” (emphasis supplied). With the single magnetic fluid reservoir taught in Leach, taken along with the stated goal of Leach to “accomplish[] good global polishing uniformity” (col. 5, lines 21-22), one ordinary skill in the art could expect nothing more than the ability of the apparatus of Leach to apply the same amount of force to each polishing block thereof, not a selected amount of force to a corresponding pressurization structure, as required by independent claim 1.

As one of ordinary skill in the art would have no reasonable expectation that the asserted modification of teachings from Leach would be successful, a *prima facie* case of obviousness has not been established against independent claim 1 or any of claims 6, 12, or 18-21 depending therefrom.

Further, it is submitted that one of ordinary skill in the art would not be motivated to modify the teachings of Leach in the manner that has been asserted.

In particular, it is respectfully submitted that one of ordinary skill in the art would not have been motivated by the teachings of Leach or by the knowledge that was generally available in the art of planarization before the filing date of the above-referenced application to modify the apparatus of Leach to apply selected amounts of force to the backside of a semiconductor device structure. This is because the teachings of Leach are limited to an apparatus that applies the same amount of force to a plurality of independently movable polishing blocks.

Since one of ordinary skill in the art would not have been motivated to modify the teachings of Leach in the manner that has been asserted, a *prima facie* case of obviousness has not been established against independent claim 1 or any of claims 6, 12, or 18-21 depending therefrom.

In view of the foregoing, it is respectfully requested that the 35 U.S.C. § 103(a) rejections of claims 1, 6, 12, and 18-21 be withdrawn.

CONCLUSION

It is respectfully submitted that each of claims 1-21 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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